

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNA BLANTON,

Plaintiff,

Case No. 09-10844

v.

WILLIAM BEAUMONT HOSPITAL,
a Michigan corporation,

Hon. John Corbett O'Meara

Defendant.

ORDER OF PARTIAL DISMISSAL

On March 5, 2009, Plaintiff filed a three-count complaint: Count I, violation of the Americans with Disabilities Act; Count II, violation of the Michigan Persons with Disabilities Civil Rights Act; and Count III, breach of contract. Diversity jurisdiction is not present. Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II and III of Plaintiff's Complaint are DISMISSED.

s/John Corbett O'Meara
UNITED STATES DISTRICT JUDGE

Date: April 10, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 10, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager